

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**WILLIE JAMES BUSH, JR.,
Plaintiff,**

Case No. 1:13-cv-406

vs

**Barrett, J.
Litkovitz, M.J.**

**UNITED STATES, et al.,
Defendants.**

ORDER

Plaintiff has filed a motion requesting the recusal of the undersigned from this case “because of conflict interest” (Doc. 2), presumably due to the fact that the undersigned was named as a defendant in another prior lawsuit recently filed by plaintiff with this Court. *See Bush v. United States, et al.*, No. 1:13-cv-384 (S.D. Ohio) (Barrett, J.; Bowman, M.J.). Plaintiff has also named the undersigned as a defendant in another subsequent action. *See Bush v. United States, et al.*, No. 1:13-cv-417 (S.D. Ohio) (Beckwith, J.; Bowman, M.J.). Although both cases in which the undersigned was named as a defendant were initially assigned to the undersigned’s docket, they were reassigned to United States Magistrate Judge Stephanie K. Bowman upon a determination by the undersigned that there was a conflict of interest in those matters. No such conflict of interest exists in this case filed under the Federal Torts Claim Act against other parties.

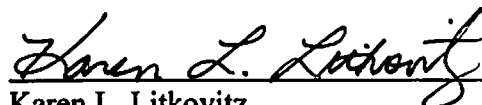
28 U.S.C. § 455(a) provides in pertinent part that “[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” A judge must be recused from a case “if a reasonable, objective person, knowing all of the circumstances, would have questioned the judge’s

impartiality.” *United States v. Tolbert*, 459 F. App’x 541, 545 (6th Cir. 2012) (quoting *United States v. Sammons*, 918 F.2d 592, 599 (6th Cir. 1990) (citations and internal quotation marks omitted)). “The standard is an objective one, and a judge “need not recuse himself based on the subjective view of a party[,], no matter how strongly that view is held.”” *Id.* (quoting *Sammons*, 918 F.2d at 599 (citation and internal quotation marks omitted)). “When a party cannot show partiality stemming from an extra-judicial source or personal bias, recusal is only necessary in rare circumstances.” *Id.* (citing *Liteky v. United States*, 510 U.S. 540, 555 (1994)). “[O]pinions formed by the judge on the basis of facts introduced or events occurring in the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Id.* (quoting *Liteky*, 510 U.S. at 555).

In this case, the undersigned has no personal bias against or conflict of interest with the plaintiff. Therefore, plaintiff’s motion, which is construed as a motion for recusal (Doc. 2) is **DENIED.**¹

IT IS SO ORDERED.

Date: 6/20/13


Karen L. Litkovitz
United States Magistrate Judge

¹ It is noted that plaintiff has stated that he will “file a lawsuit on United States District Court, Southern District of Ohio, Western Division, Clerk of Court” if the undersigned is not removed from this case. (See Doc. 2). However, the proper means for challenging this ruling denying plaintiff’s motion for recusal is to file objections to the Order for consideration by the District Court judge assigned to this case.